

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**OCTOBER 13, 1999**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF JERRY LA QUIERE D/B/A/</b>	)	<b>DOCKET NO. 99-00369</b>
<b>LEC-LINK FOR APPROVAL OF AN</b>	)	
<b>INTRALATA TOLL DIALING PARITY PLAN</b>	)	

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**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY  
IMPLEMENTATION PLAN**

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This matter came before the Tennessee Regulatory Authority (the "Authority") on September 14, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Jerry LaQuiere d/b/a LEC-LINK for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.<sup>1</sup> Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

c **FILE**

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.<sup>2</sup> On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.<sup>3</sup>

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

LEC-LINK is operating pursuant to Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, the petitioner is required to file a plan with the Authority that provides for implementing intraLATA toll dialing

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<sup>2</sup> FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

<sup>3</sup> AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

parity in the exchanges in Tennessee where service is provided.<sup>4</sup> This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.<sup>5</sup>

LEC-LINK filed an intraLATA toll dialing parity plan on May 24, 1999 with a final amendment on August 31, 1999. The amended Plan, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the September 14, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.<sup>6</sup> The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; and customer notification/education procedures. The Directors unanimously voted to approve the LEC-LINK intraLATA toll dialing parity implementation plan as amended, with the requirement that the petitioner comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

**IT IS THEREFORE ORDERED THAT:**

1. The amended Plan of LEC-LINK for implementation of intraLATA toll dialing parity, a copy of which is attached as Exhibit A, is hereby approved and incorporated in this

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<sup>4</sup> Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

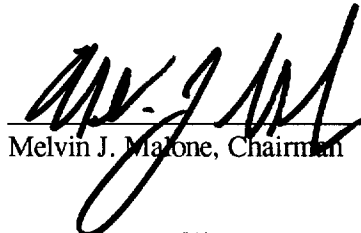
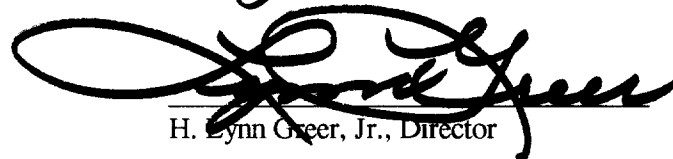
<sup>5</sup> Pre-subscription allows the customer to place a call without dialing an access code.

<sup>6</sup> FCC Order 96-333 released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54 released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

Order as if fully rewritten herein;

2. LEC-LINK shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

  
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Melvin J. Malone, Chairman  
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H. Lynn Greer, Jr., Director  
\_\_\_\_\_  
Sara Kyle, Director

ATTEST:

  
\_\_\_\_\_  
K. David Waddell, Executive Secretary

REC'D TN  
REGULATORY AUTH.

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OFFICE OF THE  
EXECUTIVE SECRETARY

# *Dialing Parity Plan*

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99-00369

# ***Jerry La Quiere***

## **LEC-LINK**

### **INTRALATA TOLL DIALING PARITY PLAN**

**June 20, 1999**

#### **Purpose**

The intent of this Plan is advise you of how we will provide customers the ability to select the telecommunications carrier of their choice for routing their intraLATA toll calls.

#### **Anti-Slamming Procedures**

Company shall comply with all TRA and FCC rules and regulations to prevent slamming.

#### **Automatic Assigning Toll Customers - (Default Carrier Selection)**

In the event the customer fails to select a long distance carrier the default carrier shall be the ILEC where possible or any other carrier selected by the ILEC in the event the ILEC can not provide the service.

#### **Compliance statement**

This company shall comply with all rules of the FCC and the TRA in all areas within its control.

#### **Exchanges in which intralata Toll Dialing Parity Will Be Provided**

Company shall provide intralata toll dialing Parity in all latas of Tennessee.

#### **Implementation**

Upon receiving a request from a customer to change the Telecommunications carrier, the request shall be forwarded to BellSouth as an order to make the change for the customer as outlined in the BellSouth Intralata Toll Dialing Parity Plan.

#### **Implementation date**

This plan was implemented on June 20, 1999.

### **InterLATA with which Company proposes to associate with**

We will be associated with all latas within the state.

### **Nondiscrimination**

This company shall not discriminate access to telephone numbers, operator services, directory assistance or directory listings.

### **Notification**

LEC-Link shall notify all existing customers in writing within 10 days of acceptance of this plan.

### **Method for Customer's Selection of Carrier**

Upon written request from a customer the Company shall request the appropriate change from the ILEC. Should the customer not specify a carrier of choice the company shall make no changes to the carrier currently assigned to the customer's line.

As part of the application process new customers shall be given a list of all carriers available and the application for service shall request they make a selection of a carrier. Should the customer fail to choose a carrier, the Company shall order the line with the selection of "NO PIC".

### **PIC Method Used**

Company shall use the "Two Pic" method.

### **PIC Change Charge Method.**

All orders to change the PIC of a customer shall be received in writing from the customer on forms satisfactory to the ILEC. This information shall be forwarded to the ILEC for implementation. The Company shall pass on whatever charge is made by the ILEC to the customer.

### **PIC Change Charge Waiver Period.**

There shall be no charge for current customers to change their PIC.